



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,106	04/18/2001	Boby Joseph	01,134	9009
20306	7590	08/25/2005	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			PARK, JUNG H	
300 S. WACKER DRIVE			ART UNIT	
32ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			2661	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/837,106	JOSEPH ET AL.	
	Examiner	Art Unit	
	Jung Park	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-22 are pending for the examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 8, 9, 11, 12, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahler et al. (U.S. 6,381,638, hereafter "Mahler").

Regarding claims 1, 8, 11 and 17, Mahler discloses the methods of claims 1 and 11 and the systems of claim 8 and 17. Mahler discloses, "methods and systems for routing information between a first host on a first network (*Figure 3, element 32*) and a plurality of hosts on a second network (*Figure 3, element 3*), the method comprising:

establishing a routing path between the first host on the first network and one of the plurality of hosts on the second network (*Figure 4 where TCP/IP session establishing*), the plurality of hosts on the second network sharing a globally-routable network address (*Figure 3, element 28; col. 6, lines 57-59*);

establishing a routing table comprising a plurality of physical network addresses for the plurality of hosts on the second network, each of the plurality of physical network addresses (*Figure 7, element 120 where MAC Address is the physical network address; MAC address is also same as data link layer address claimed in 11*) associated with a

respective unique destination identifier (*Figure 7, elements 122 where OBAR ID is the unique destination identifier, see details in col. 8, lines 56-67*);

receiving a message from the first host, the message comprising the shared globally-routable network address and a destination identifier associated with one of the plurality of physical network addresses (*col. 9, lines 1-2 where the router receives a data packet containing an OBAR ID*);

determining a physical network address in the routing table using the destination identifier received in the message (*col. 9, line 2*);

mapping the physical network address to the message (*col. 9, lines 3-4*) and;

routing the message to one of plurality of hosts on the second network using the physical network address (*col. 9 lines 5-6*)."

Regarding claims 9 and 15, they are claims corresponding to claims 1 and 6 and are therefore rejected for the similar reasons set forth in the rejection of claims 1 and 6.

Regarding claim 12, Mahler is silent on the computer readable medium having stored therein instructions for causing a processor to execute the method of claim 11. However, it is inherent that if there are no computer readable mediums for storing instructions a processor can't execute the method for communicating between hosts.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7, 10, 13-14, 16 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahler in view of Goguen et al. (U.S. 6,665,273, hereinafter "Goguen").

Regarding claims 3 and 13, Mahler fails to teach the routing path comprising a multi protocol label switched path because his network systems only describe a typical TCP/IP session. However, Goguen discloses the MPLS label switched path (LSP) between router R1 and Rn. (*Figure 2*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to apply the MPLS LSP feature in Goguen to Mahler's network system because one would be motivated to deliver the quality of service (QoS) required to support realtime voice and video as well as service level agreements (SLAs) that guarantee bandwidth by use of MPLS protocol.

Regarding claim 4, Mahler fails to teach if the LSP is established using RSVP. However, Goguen teaches the LSP established using a RSVP (*Figure 1, element 160*). Therefore, it would have been obvious to one with ordinary skill in the art to apply RSVP for the same reasons and motivations as in claim 3.

Regarding claims 5, 10, 14 and 18, Mahler fails to teach the destination identifier comprising a multi protocol label. However, Goguen teaches the MPLS label that is for a destination identifier (*Figure 2 Labels in MPLS routers*). If MPLS shim label is used in Mahler's network, then the OBAR ID can be replaced with MPLS label. Therefore, it would have been obvious to one with ordinary skill in the art to apply the MPLS shim label defined in the MPLS standard protocol into the network employing the IP Network Address Translator. The motivation is allow an organization to present itself to the

Art Unit: 2661

Internet with far fewer IP addresses than there are nodes on its internal network in MPLS network.

Regarding claim 6, the examiner takes Official Notice that the physical network address is a medium access control address (MAC).

Regarding claim 7, Mahler fails to teach that the destination identifier is created during the step of establishing the routing path from the first host on the first network to the one of the plurality of hosts on the second network. However, Goguen teaches the MPLS label created during the step of establishing the routing path (*Figure 2 setup request and reply in MPLS network*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the feature in Goguen with Mahler's network system because one would be motivated to use MPLS path setup between two hosts for the same reasons and motivations as in claim 3.

Regarding claim 16, Mahler is silent on the message comprising VOIP packet. However, the examiner takes Official Notice since RSVP is a communication protocol that signals a router to reserve bandwidth for realtime transmission. RSVP is designed to clear a path for audio and video traffic, eliminating annoying skips and hesitations. It has been sanctioned by the IETF, because audio and video traffic is constantly on the Internet (VOIP packet).

Regarding claims 19-22, they are claims corresponding to claims 1-3 and are therefore rejected for the similar reasons set forth in the rejection of claim 1-3.

Art Unit: 2661

Contact Information

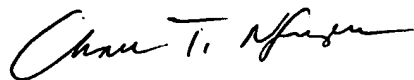
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:10-4:40.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

Jung Park
Patent Examiner
Art Unit 2661
August 18, 2005



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600